

## Wisconsin Department of Transportation

[www.dot.wisconsin.gov](http://www.dot.wisconsin.gov)

Jim Doyle  
Governor

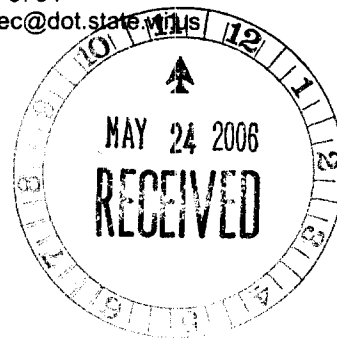
Frank J. Busalacchi  
Secretary

Office of General Counsel  
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May 23, 2006

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Mr. Vernon A. Williams, Secretary  
Office of the Secretary  
Surface Transportation Board, Room 1324  
1925 K Street, N.W.  
Washington, D.C. 20423-0001



216603

RE: STB Docket No. AB-33 (Sub-No. 251X) Union Pacific Railroad Company - Abandonment Exemption - in Dane County, WI - ~~STB Docket No. AB 383 (Sub. No. 4X) Wisconsin & Southern Railroad Company - Discontinuance of Service Exemption - in Dane County, WI~~ - Petition for Extension for Notice of Interim Trail Use

Dear Mr. Williams:

Enclosed for filing are the original and ten (10) copies of the Wisconsin Department of Natural Resources Extension for Petition for Notice of Interim Trail Use.

Please date stamp and return the duplicate copy of this transmittal letter in the prepaid, return mail envelope for verification of receipt. Thank you.

By my signature below, I certify service upon Mack H. Shumate, Union Pacific, 101 N. Wacker Drive, Suite 1920, Chicago, IL 60606 and John D. Heffner, John D. Heffner, PLLC, Suite 800, 1920 N Street NW, Washington, DC 20036.

Sincerely,

Allyn Lepeska  
Attorney

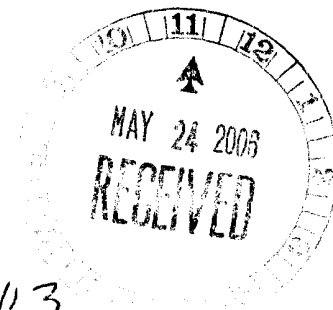
Enclosures

pc: Vicki Schaefer  
Richard Steffes  
Mack H. Shumate  
John D. Heffner

**FILING FEE WAIVED**

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BEFORE THE  
SURFACE TRANSPORTATION BOARD



AB-33 (Sub-No. 251X) 2/6/03

UNION PACIFIC RAILROAD COMPANY -- ABANDONMENT EXEMPTION --  
IN DANE COUNTY, WISCONSIN

~~AB-383 (Sub-No. 4X)~~

WISCONSIN & SOUTHERN RAILROAD COMPANY -- DISCONTINUANCE  
OF SERVICE EXEMPTION -- IN  
DANE COUNTY, WISCONSIN

**WISCONSIN DEPARTMENT OF NATURAL RESOURCES  
PETITION FOR EXTENSION FOR  
NOTICE OF INTERIM TRAIL USE**

*unsubstantiated*  
*Public Notice*

**BACKGROUND**

On May 2, 2005, the Surface Transportation Board provided notice that the Union Pacific Railroad Company (UP) and the Wisconsin & Southern Railroad Company (WSOR) have jointly filed a Notice of Exemption under 49 C.F.R. 1152 Subpart F for UP to abandon and WSOR to discontinue service over a 4.4-mile line, Harvard Subdivision, known as the Central Soya Line, Harvard Subdivision, between Mile Post 85.5 in the City of Madison and Mile Post 89.9 in the City of Fitchburg, in Dane County, WI.

On April 5, 2005, the Wisconsin Department of Natural Resources (WisDNR) signed a Statement of Willingness to Accept Financial Responsibility pursuant to 49 C.F.R. § 1152.29. This statement is for the segment of the Central Soya Line, Harvard Subdivision between Mile Post 85.5 Beltline in the City of Madison, Wisconsin and end of track at Mile Post 89.9 in the City of Fitchburg, Wisconsin, a distance of 4.4 miles in Dane County, Wisconsin.

On May 6, 2005, the Wisconsin Department of Transportation (WisDOT) on behalf of WisDNR filed a request for a notice of interim trail use/rail banking (NITU) under 16 U.S.C. 1247(d)

and 49 C.F.R. § 1152.29. UP indicated its willingness to negotiate with WisDNR for interim trail use. The Board issued a NITU under 49 C.F.R. § 1152.29, which was served on May 31, 2005, allowing the City until November 28, 2005 to negotiate a rail banking agreement with UP.

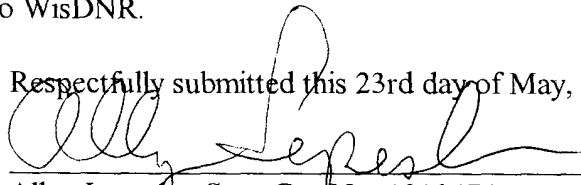
On November 2, 2005, the Wisconsin Department of Transportation (WisDOT) on behalf of WisDNR filed a request for a notice of interim trail use/rail banking (NITU) under 16 U.S.C. 1247(d) and 49 C.F.R. § 1152.29. UP indicated its willingness to negotiate with WisDNR for interim trail use. The Board issued a NITU under 49 C.F.R. § 1152.29, which was served on November 22, 2005, allowing the City until May 27, 2006 to negotiate a rail banking agreement with UP.

Negotiations are currently continuing in good faith between UP, WSOR and WisDNR. However, more time is needed to finalize negotiations.

#### **MOTION**

Therefore, WisDOT respectfully requests that the Board extend the period prescribed to negotiate an interim trail use/rail banking agreement for an additional 180 days for the land corridor and related real property, including bridge structures, on a line of railroad known as the Central Soya Line, Harvard Subdivision, between Mile Post 85.5 in the City of Madison and Mile Post 89.9 in the City of Fitchburg, in Dane County, Wisconsin, for interim trail use and rail banking, pursuant to 16 U.S.C. § 1247(d) and 49 C.F.R. § 1152.29 to WisDNR.

Respectfully submitted this 23rd day of May, 2006,

  
Allyn Lepeska, State Bar No. 1013474  
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Transportation